

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

AMENDED CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-324-WS ORDER NO. 2022-10-H

FEBRUARY 4, 2022

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Application of Kiawah Island Utility, Incorporated to File Proposed Changes in Rates, Charges, Classifications and/or Regulations for Water and Sewer Service

MATTER UNDER CONSIDERATION:

Request for Ruling on Applicability of Rule Requiring Commission Permission for Party to File Surrebuttal Testimony as per Directive of 1-27-21

CHIEF HEARING OFFICER'S ACTION:

The Office of Regulatory Staff ("ORS") poses the following inquiry regarding the necessity for it to request permission from the Commission to file Surrebuttal Testimony:

"At the Commission Meeting on December 8, 2021, the Commission issued Order No. 2021-805, which approved a procedural schedule in the above-referenced docket, and authorized Commission staff to make changes to the prefile dates outlined in the Order, if necessary. On December 9, 2021, ORS filed a letter with the Commission requesting that the Chief Hearing Officer amend the prefile dates established by Order No. 2021-805. ORS's letter included a date for surrebuttal testimony from ORS and other parties of record. On December 14, 2021, the Clerk's Office issued a Prefile Testimony Letter, which also included a date for surrebuttal testimony.

On January 27, 2022, the Commission issued a Directive in a different docket, Docket No. 2021-291-A, adopting a procedure to address surrebuttal testimony. Pursuant to the Directive, the adopted procedures went into effect immediately when the Commission Clerk's Office is developing a procedural schedule where pre-filed testimony is anticipated. The procedural schedule for the above-referenced docket was developed and approved prior to the issuance of the Commission's Directive regarding surrebuttal testimony in Docket No. 2021-291-A. As such, ORS requests confirmation that ORS and other intervening parties may prefile surrebuttal testimony in this docket without filing a Motion to Pre-File Surrebuttal Testimony."

It must be noted that Kiawah Island Utility, Incorporated takes no position on the issue raised by ORS.

After due consideration of this matter, I agree with ORS that no permission must be sought prior to filing Surrebuttal Testimony and Exhibits by ORS or other intervening parties, if such testimony and exhibits are filed in accordance with the December 14, 2021 Clerk's Office letter in the present Docket. Clearly the issuance of this letter pre-dated the issuance of the January 27, 2022 Directive requiring the Commission's permission to file surrebuttal testimony. Accordingly, for this Docket, no permission is needed prior to filing Surrebuttal Testimony and Exhibits in accordance with the Clerk's Office letter.

This ends the Chief Hearing Officer's Directive.